

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Salvatore Cirami on November 21, 2008 at 2:40 pm.

The application has been amended as follows:

Claim 12 First line, please change "In combination with claim 1..." to "The binocucorder according to claim 1..."

Claim 12 Sixth line, please change "said binocular tubular body portions" to "said first and second tubular body portions"

Claim 21 First line, please change "In combination with claim 12..." to "The binocucorder according to claim 12..."

2. **Claims 1, 12, 21** (renumbered as claims 1-3, respectively) are allowed.

3. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowed because the prior art does not teach or fairly suggest a bincocucorder, comprising: *periscope means mounted on said camcorder having a lower end portion that is located in said space between said corresponding forward portions of said binocular, said lower end portion of said periscope means having a window through which incident light is received*

on said binocular effective line-of-sight, said periscope means directing said received light onto said camcorder line-of-sight into said image processing elements of said camcorder, in combination with the other claimed elements.

Claims 12 and 21 are allowed because they depend from claim 1.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Harvey et al. (US 6,597,346)

Handheld computer having see-through display with a monocular scope.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571)272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. J. Q./
Examiner, Art Unit 2622
November 21, 2008

*/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622*